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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,205	09/30/2003	Boris Ginzburg	P-6067-US	9613
27130	7590	09/22/2006	EXAMINER	
EITAN, PEARL, LATZER & COHEN ZEDEK LLP 10 ROCKEFELLER PLAZA, SUITE 1001 NEW YORK, NY 10020			SMITH, SHEILA B	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/673,205

**Applicant(s)**

GINZBURG ET AL.

**Examiner**

Sheila B. Smith

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 6/22/06
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25-27 is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koorapaty et al.(U.S. Patent Publication Number 2002/0082010) in view of Hassan et al. (U.S. Patent Publication Number 2003/0022670).

*Regarding claim 1*, Koorapaty et al. discloses all the claimed invention as set fourth in the instant application, in addition Koorapaty et al. discloses a location privacy manager for a wireless communication device and method therefor, further Koorapaty et al. discloses a method of selecting channels, and scanning said identified channels (which reads on paragraph 0073). However Koorapaty et al. fails to disclose the method comprising: identifying channels used for transmissions in an area, and according to a scanning order associated with said area to find a channel being currently used for transmission in the area.

In the same field of endeavor Hassan et al. discloses a method and systems for reducing location update procedures in satellite communication system. Hassan et al. further discloses the method comprising identifying channels used for transmissions in an area as disclosed in paragraphs 0006-0008; and according to a scanning order associated with said area to find a channel being currently used for transmission in the area.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to improve Koorapaty et al. with the method comprising: identifying channels used for transmissions in an area and according to a scanning order associated with said area to find a channel being currently used for transmission in the area as taught by Hassan et al. for the purpose of providing continuous communication without interruption.

***Regarding claim 2***, Koorapaty et al. discloses everything claimed, as applied above (see claim 1 ) additionally, Koorapaty et al. discloses a identifying a wireless basic service set operating in said area (which reads on paragraph 0073).

***Regarding claim 3***, Koorapaty et al. discloses everything claimed, as applied above (see claim 1 ) additionally, Koorapaty et al. discloses wherein said identifying said wireless basic service set comprises assuming a service set is a same service set with which a station recently associated. (which reads on paragraph 0073).

***Regarding claim 4***, Koorapaty et al. discloses everything claimed, as applied above (see claim 1 ) additionally, Koorapaty et al. discloses identifying a basic service set operating in said area (which reads on paragraph 0073).

***Regarding claim 5***, Koorapaty et al. discloses everything claimed, as applied above (see claim 1 ) additionally, Koorapaty et al. discloses a said identifying comprises referring to a list of at least one channel used in said area (which reads on paragraph 0068).

***Regarding claim 6***, Koorapaty et al. discloses everything claimed, as applied above (see claim 1 ) additionally, Koorapaty et al. discloses a selecting a channel upon which to associate. (which reads on paragraph 0068).

**Regarding claim 7**, Koorapaty et al. discloses everything claimed, as applied above (see claim 1 ) additionally, Koorapaty et al. discloses said selecting includes at least evaluating a quality of transmission of at least one of said identified channels (which reads on paragraph 0068).

**Regarding claim 8**, Koorapaty et al. discloses everything claimed, as applied above (see claim 1 ) additionally, Koorapaty et al. discloses updating a list of channels useable for transmissions in said area with data collected in a scan of said identified channels (which reads on paragraph 0069).

**Regarding claim 9**, Koorapaty et al. discloses everything claimed, as applied above (see claim 1 ) additionally, Koorapaty et al. discloses updating a list of service sets with service sets that are identified during said scanning (which reads on paragraph 0069).

**Regarding claim 10**, Koorapaty et al. discloses everything claimed, as applied above (see claim 1 ) additionally, Koorapaty et al. discloses comprising ordering said identified channels based on data collected about said channels (which reads on paragraph 0073).

**Regarding claims 11**, Koorapaty et al. discloses all the claimed invention as set forth in the instant application, in addition Koorapaty et al. discloses a location privacy manager for a wireless communication device and method therefor, further Koorapaty et al. discloses a wireless communication device comprising: a memory to store data about at least one channel; and a processor to select for scanning said at least one channel (which reads on paragraph 0165-0167). However Koorapaty et al. fails to disclose the method comprising: identifying channels used for transmissions in an area.

In the same field of endeavor Hassan et al. discloses a method and systems for reducing location update procedures in satellite communication system. Hassan et al. further discloses the method comprising identifying channels used for transmissions in an area as disclosed in paragraphs 0006-0008.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to improve Koorapaty et al. with the method comprising: identifying channels used for transmissions in an area as taught by Hassan et al. for the purpose of providing continuous communication without interruption.

**Regarding claim 12**, Koorapaty et al. discloses everything claimed, as applied above (see claim 1 ) additionally, Koorapaty et al. discloses wherein said processor is to detect a service set and select at least one channel used for transmissions with said service set (which reads on paragraph 0073).

**Regarding claim 13**, Koorapaty et al. discloses everything claimed, as applied above (see claim 1 ) additionally, Koorapaty et al. discloses said processor is to detect a basic service set operating in said area and to select at least one channel used for transmissions in an area of said basic service set (which reads on paragraph 0165-0167).1

**Regarding claim 14**, Koorapaty et al. discloses everything claimed, as applied above (see claim 1 ) additionally, Koorapaty et al. discloses said memory is to store data about channels used for transmissions with at least one service set (which reads on paragraph 0167).

**Regarding claim 15**, Koorapaty et al. discloses everything claimed, as applied above (see claim 1 ) additionally, Koorapaty et al. discloses said memory is to store data about transmitters in an area of a basic service set (which reads on paragraph 0165).

**Regarding claim 16**, Koorapaty et al. discloses everything claimed, as applied above (see claim 1 ) additionally, Koorapaty et al. discloses said processor is to select an access point for association based on a quality of transmission with said access point (which reads on paragraph 0163-0167).

**Regarding claim 17**, Koorapaty et al. discloses everything claimed, as applied above (see claim 1 ) additionally, Koorapaty et al. discloses said processor is to update said memory with data collected in said scanning (which reads on paragraph 0163-0167).

**Regarding claim 18**, Koorapaty et al. discloses everything claimed, as applied above (see claim 1 ) additionally, Koorapaty et al. discloses said processor is to order for scanning said at least one selected channel based on data collected in past associations on said at least one selected channel (which reads on paragraph 0073).

**Regarding claims 19**, Koorapaty et al. discloses all the claimed invention as set fourth in the instant application, in addition Koorapaty et al. discloses a location privacy manager for a wireless communication device and method therefor, further Koorapaty et al. discloses a article comprising a storage medium having stored thereon instructions that, when executed by a processor, result in: identifying channels to be scanned in an area; and scanning said identified channels (which reads on paragraph 0073).

**Regarding claim 20**, Koorapaty et al. discloses everything claimed, as applied above (see claim 1 ) additionally, Koorapaty et al. discloses said execution of said instructions further result

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in updating a table of said identified channels with data collected during a scan (which reads on paragraph 0073).

*Regarding claim 21*, Koorapaty et al. discloses everything claimed, as applied above (see claim 1 ) additionally, Koorapaty et al. discloses said execution of said instructions further result in ordering said identified channels for scanning based on data collected on said channels (which reads on paragraph 0073).

*Regarding claim 22*, Koorapaty et al. discloses everything claimed, as applied above (see claim 1 ) additionally, Koorapaty et al. discloses a dipole antenna (1110); a controller (which reads on processor) to identify channels used for transmissions in an area; and a memory to store data about at least one channel used by transmitters in an area (which reads on paragraph 0073). However Koorapaty et al. fails to disclose a processor to select at least one of plurality of channels for scanning according to a scanning order associated with said area to a channel being currently used for transmission in the area.

In the same field of endeavor Hassan et al. discloses a method and systems for reducing location update procedures in satellite communication system. Hassan et al. further discloses a processor to select at least one of plurality of channels for scanning according to a scanning order associated with said area to a channel being currently used for transmission in the area as disclosed in paragraphs 0006-0008

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to improve Koorapaty et al. with a processor to select at least one of plurality of channels for scanning according to a scanning order associated with said area to a



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channel being currently used for transmission in the area as taught by Hassan et al. for the purpose of providing continuous communication without interruption.

***Regarding claim 23***, Koorapaty et al. discloses everything claimed, as applied above (see claim 1 ) additionally, Koorapaty et al. discloses controller is to detect a service set operating in said area and select at least one channel used for transmissions with said service set (which reads on paragraph 0073).

***Regarding claim 24***, Koorapaty et al. discloses everything claimed, as applied above (see claim 1 ) additionally, Koorapaty et al. discloses said controller is to update a table of channels with data collected in during said scan (which reads on paragraph 0073).

***Allowable Subject Matter***

2. Claims 25-27 are allowed.

***Response to Arguments***

3. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (571)272-7847. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S.Smith

September 5, 2006



JOSEPH FEILD

SUPERVISORY PATENT EXAMINER